

**REMARKS/ARGUMENTS**

Claims 1-6, 8-17, and 19-34 are pending. Applicants note with appreciation the allowance of claims 1-16 and the indication that dependent claim 29 defines patentable subject matter. Claim 29 has been amended to independent form and should now be in condition for allowance. Claims 17, 24, 25, 27, 30 and 31 have also been amended. Claim 35 has been canceled. Re-examination and reconsideration of remaining claims 17, 19-28, and 30-34 are respectfully requested.

**Specification Amendments**

The specification has been amended to include the appropriate application serial number references as requested by the Examiner.

**35 U.S.C. § 112, Second Paragraph**

Claims 24, 25, 27, and 30 have been amended to provide sufficient antecedent basis (e.g., "contact" surface has been amended to "electrode" surface). As such, Applicants request the withdrawal of this rejection.

**35 U.S.C. §102**

Claims 17, 19-22, 26, and 30-33 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Publication No. 2003/0139790 in the name of Ingle et al. Such a rejection is traversed in part and overcome in part as follows.

Independent claim 17 has been amended to recite an applicator having an electrode surface for delivering therapeutic electrical energy, a conduit that delivers a coolant, and one or more heating elements thermally coupled, from within the applicator body, to the distal portion of the applicator body and *entirely beneath the electrode surface* to deliver a heating energy to the coolant in the conduit. The heating energy is sufficient to heat the coolant so that the electrode surface is at a desired temperature. Support for amended claim 17 is found throughout the specification, as for example in paragraphs 72 and 77 and associated Figs. 4A-5.

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Applicants have reviewed cited Fig. 12D in Ingle and the cited section on page 12, paragraphs 130-134. Applicants believe amended claim 17 now overcomes this rejection. Applicants request that if the present rejection is maintained, the Examiner identify where Ingle et al. or other cited art teaches or suggest the presently claimed invention. Absent such a showing, independent claim 17 (and the claims which depend therefrom) should now be in condition for allowance.

Remaining independent claim 31 has been similarly amended as claim 17. Hence, claim 31 (and the claims which depend therefrom) should also now be in condition for allowance.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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